

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

1 GRANDVIEW AVENUE
GLENDALE, CA 91201
81 551-2800



SDMS Doc ID 164926



COPY

June 19, 1995

TO: General Mailing List

SUBJECT: RESPONSE TO PUBLIC COMMENTS ON THE INTENT TO DENY A
HAZARDOUS WASTE PERMIT FOR AN EXISTING FACILITY AT DICO
OIL CORPORATION, 1845 EAST WILLOW STREET, SIGNAL HILL,
CALIFORNIA, 90806 (EPA ID NUMBER CAD 980 737 076)

The California Environmental Protection Agency, Department of Toxic Substances Control (DTSC), has received written and oral comments during the formal comment period for the Intent to Deny a Hazardous Waste Facility Permit for the Dico Oil Corporation. The enclosed document presents a summary of the written response to comments received by DTSC.

DTSC's final decision for the above facility is a denial of the permit to operate the existing hazardous facility at the site. A copy of the final administrative record for the decision is available for review at DTSC's Glendale office located at 1011 North Grandview Avenue, Glendale, California 91201.

If you have any questions or comments regarding this matter, please call Allan Plaza at (818) 551-2922 or Yvonne Sanchez at (818) 551-2870.

Sincerely,

José Kou, Chief
Facility Permitting Branch

Enclosures

RESPONSE TO PUBLIC COMMENTS
ON THE
INTENT TO DENY A HAZARDOUS WASTE FACILITY PERMIT
FOR
DICO OIL CORPORATION
1845 EAST WILLOW STREET, SIGNAL HILL, CALIFORNIA 90806

Date: JUNE 19, 1995

Introduction

The purpose of this document is to provide a written response to comments received by the California Environmental Protection Agency, Department of Toxic Substances Control (DTSC).

The following presents a summary of the comments received during the formal public comment period for the Intent to Deny a Hazardous Waste Facility Permit for the Dico Oil Corporation. The public comment period began on April 17, 1995 through June 7, 1995. Only comments postmarked or received by DTSC during the public comment period have been addressed. The comments which are listed below have been paraphrased to clarify the written comments.

1. In a letter dated May 2, 1995 to DTSC, Signal Hill Petroleum, Inc. (SHPI) made the following comments:

Comment No. 1

SHPI strongly supports DTSC's decision to deny a hazardous waste operating permit for Dico Oil Corporation due to their lack of regulatory compliance and incompetent operation.

Comment No. 2

SHPI is the manager of all mineral rights and surface use rights for the property where Dico Oil is conducting its present operation. SHPI is concerned regarding the possibility of soil and groundwater contamination on the property and other contiguous property. A recommendation was made to DTSC to obligate Dico to conduct all necessary testing of their property and remediate all conditions per standard prescribed by DTSC.

DTSC Response

Comments noted. DTSC has completed a RCRA Facility Assessment Report for Dico Oil Corporation which recommended a RCRA Facility Investigation (RFI) be conducted. The purpose of the RFI is to determine the nature and extent of contamination. DTSC has reviewed and provided comments for two workplans which Dico Oil submitted to conduct a soil gas investigation and limited site investigation.

2. In a letter dated May 2, 1995, **Craig C. Barto** (CB) made the following comments:

Comment No. 1

CB petitions for the denial of an operating permit for the Dico Oil Corporation. The concerns are due to CB owning property adjacent on three sides to Dico. Specific concerns addressed were: leaking tanks; spills; general lack of regulatory compliance; which may potentially have caused soil and/or groundwater contamination to their property.

Comment No. 2

CB recommended that Dico conduct thorough testing of soils and groundwater on their property as well as contiguous property owned by CB, due to several ingress and egress areas used by the facility. The purpose of the test is to determine any impacts to Dico or CB property which may require remediation in accordance with standards prescribed by DTSC.

DTSC Response

Comments noted. DTSC has completed a RCRA Facility Assessment Report for Dico Oil Corporation which recommended a RCRA Facility Investigation (RFI) be conducted. The purpose of the RFI is to determine the nature and extent of contamination. DTSC has reviewed and provided comments for two workplans which Dico Oil submitted to conduct a soil gas investigation and limited site investigation.

3. In a letter dated June 1, 1995 to DTSC, **Jack Stone** Drainage Oil Service (JSDOS) made the following comments:

Comment No. 1

JSDOS supports the continued operation of Dico Oil Corporation. JSDOS states that closing this facility will be an economic disadvantage to the California Integrated Waste Management Boards used oil recycling program and to independent transporters due to fewer used oil facilities located in Southern California.

Comment No. 2

JSDOS addressed concerns of Dico's viability to remain competitive when comparing operating cost (i.e., permit fees, insurance; and bringing facility up to code) of large and small facilities.

DTSC Response

DTSC does not regulate the economics of the used oil industry; it does, however, regulate the management of used oil as hazardous waste. It is DTSC's responsibility to administer statutes and regulations regarding hazardous waste requirements which have been enacted into law. DTSC has determined that Dico's permit application does not satisfy legal requirements and has further determined that Dico has for many years in its operation of its facility repeatedly violated hazardous waste laws.

4. In a letter dated June 6, 1995, City of Signal Hill (City) made the following comments:

Comment No. 1

The City addressed clarification of Dico's current compliance status with the City of Signal Hill's Zoning Ordinance. The City's zoning designation for the Dico site is Commercial Town Center (CTC), which specifically prohibits hazardous waste management facilities.

Comment No. 2

The City states that a DTSC approved permit for the Dico facility runs contrary to the intent of Signal Hill Municipal Code Chapter 20.82, Nonconforming Lots, Buildings, and Uses. Under Chapter 20.82, the facility may continue waste oil operations but the facility may not be altered, modified, reconstructed, replaced or enlarged in any way which increases the nonconformity.

Comment No. 3

Dico has disregarded a letter dated March 20, 1995, from the City which stated that four of six tanks have been abandoned under City Chapter 20.82. Dico is currently operating tanks not authorized by the City.

DTSC Response

DTSC appreciates the information provided by the City of Signal Hill regarding Dico facility land use issues. This information, however, is not directly relevant to the statutory grounds which specify the actions upon which a hazardous waste permit denial may be based.

DEPARTMENT OF TOXIC SUBSTANCES CONTROL



1011 NORTH GRANDVIEW AVENUE
GLENDALE, CA 91201
(818) 551-2800

FINAL PERMIT DECISION
June 19, 1995

In accordance with the requirements of Title 22, California Code of Regulations (22 CCR), section 66271.14, we are providing you with a copy of our final decision to deny the Hazardous Waste Permit for the following hazardous waste management facility:

Dico Oil Corporation
1845 East Willow Street
Signal Hill, California 90806
Los Angeles County
EPA ID Number CAD 980 737 076

In accordance with 22 CCR, section 66271.14(b), this action becomes effective on July 28, 1995, unless a review is requested under 22 CCR, section 66271.18 or an evidentiary hearing is requested under Health and Safety Code section 25186.1.

Any person may send or deliver, in writing, a REQUEST FOR REVIEW by the California Environmental Protection Agency, Department of Toxic Substances Control (DTSC). A request for review by DTSC, must state each legal or factual question alleged to be at issue, and demonstrate: that each issue being raised was raised during the public comment period; or that each issue being raised was not reasonably ascertainable during the public comment period. A request for review by DTSC must be sent to the following address no later than July 28, 1995:

Ted Rauh HQ-10
Deputy Director
Hazardous Waste Management Program
Department of Toxic Substances Control
400 P Street, 4th Floor
P.O. Box 806
Sacramento, California 95812-0806

Also send a copy of the request for review to:

José Kou, Chief
Facility Permitting Branch
DTSC, Region 3
1011 North Grandview Avenue
Glendale, California 91201

A copy of the final administrative record, which includes this decision and the permit application, is available for your review at DTSC Region 3 File Room, 1011 North Grandview Avenue, Glendale, California 91201. Should you have any questions on this decision or need additional information, please contact Allan Plaza of our Facility Permitting Branch at (818) 551-2922.